

## TITLE 16. VETERINARY MEDICAL BOARD

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Santa Monica Community College, Bundy 123 Meeting Room, 1900 Pico Blvd., Santa Monica, CA 90405 at 10:00 a.m. on Wednesday, April 26, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on April 24, 2006, or must be received by the board at the hearing

The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### AUTHORITY & REFERENCE

Pursuant to the authority vested by Section 4808 of the Business and Professions Code, and to implement, interpret or make specific Sections 4836, 4840, 4840.2, 4853, and 4883 of said Code, the board is considering changes to Division 20 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law authorizes Registered Veterinary Technicians and unregistered assistants to perform specific duties under the direct or indirect supervision of a licensed veterinarian. This regulatory proposal will amend existing regulations and adopt new regulations relating to the job tasks that can be performed by registered veterinary technicians (RVT).

Existing law identifies that an examination must be performed on an animal scheduled for surgery. This proposal clarifies the pre-anesthetic examination requirements for animals scheduled for anesthesia related services and also clarifies the requirements for observation of an animal recovering from anesthesia.

The proposal also makes minor grammatical changes to sections, to make them clearer to understand, but does not change the intent of the existing language.

#### **1. Amend Section 2032.4 (b)(1)**

Existing regulations require that an examination be done 12 hours prior to surgery. This proposed amendment will require an examination be performed 12 hours prior to the administration of general anesthesia. This change will ensure that each animal has a thorough examination by a licensed veterinarian prior to any general anesthesia related services that may be performed, thus ensuring the safety and protection of the animal patient. General anesthesia is more commonly used in veterinary medicine than in human medicine because it is required in many cases for restraint purposes to insure the safety of the patient and the hospital staff.

#### **2. Amend Section 2032.4 (b)(2)**

Existing regulations require observation of an animal under anesthesia for a length of time "appropriate to species". This proposed amendment clarifies that an animal under anesthesia must be observed for an appropriate amount of time to ensure its safe recovery. This proposal deletes the language "appropriate to species" as unnecessary.

**3. Amend Section 2034 (b)**

Existing regulation define an RVT as "Board Certified". This proposed amendment changes the language to "certified by the Board". This amendment does not change the intent of the existing language.

**4. Amend Section 2034 (c)**

Existing regulation define an unregistered assistant as any individual who is not board certified. This proposed amendment modifies the language to define unregistered assistant as an individual who is not an RVT or licensed veterinarian. This amendment is in sync with section 2034 (a) and 2034 (b), which clearly defines an RVT and licensed veterinarian. This amendment does not change the intent of the existing language.

**5. Amend Section 2034 (d)**

Existing regulation defines "supervisor" and refers to the old language that was amended in section 2034 (b). This proposed amendment is a grammatical change to make it clearer to understand and to be consistent with the amended section 2034 (b). This amendment does not change the intent of the existing language.

**6. Adopt Section 2034 (h)**

This proposed regulatory adoption establishes a legal definition of "administer". Currently, this term is not defined in the California Veterinary Medicine Practice Act.

**7. Adopt Section 2034 (i)**

This proposed regulatory adoption establishes a legal definition of "induce". Currently, this term is not defined in the California Veterinary Medicine Practice Act.

**8. Amend Section 2036 (b)**

Existing regulations already define supervision. This amendment deletes redundant regulatory language. The deleted language is stated in California Code of Regulations Section 2034 (e).

**9. Amend Section 2036 (b)(1)**

Existing regulation limits the anesthesia induction by registered veterinary technicians to only inhalation and intravenous injection. This regulatory amendment expands the scope of authority for RVTs to include anesthesia induction by any means. It is consistent with the proposed amendment to Section 2034(i) establishing the legal definition of "induce."

**10. Amend Section 2036 (b)(2)**

Existing regulatory language is being amended for grammatical purposes. It changes the words "application of casts and splints" to "apply casts and splints." The change is intended to make the section clearer to understand.

**11. Amend Section 2036 (b)(3)**

Existing regulatory language is being amended for grammatical purposes. The change amends the language to "perform dental extractions." The change is intended to make the section clearer to understand that RVTs can perform dental extractions.

**12. Amend Section 2036 (b)(4)**

Existing regulations limit the scope of suturing that is allowable by an RVT. This amendment expands the scope of authority for RVTs to include suturing of cutaneous and subcutaneous tissues and gingival and oral mucous membranes.

**13. Adopt Section 2036 (b)(5)**

This proposed regulatory adoption creates a new task that can be performed by RVTs under direct supervision of a licensed veterinarian. It would restrict the performance of "creating a relief hole" in the skin to facilitate placement of an intravascular catheter to veterinarians and RVTs.

**14. Adopt Section 2036 (b)(6)**

This proposed regulatory adoption would restrict the administration of intravenous cytotoxic antineoplastic chemotherapy drugs to veterinarians or RVTs under direct supervision.

**15. Adopt Section 2036 (b)(1)**

Delayed implementation for the following. This would replace existing section 2036 (b)(1) effective January 1, 2012:

This proposed regulation would, effective January 1, 2012, restrict to veterinarians and RVTs under direct supervision of a licensed veterinarian, the administration of anesthesia, including induction, maintenance and monitoring. The delayed implementation date is designed to address concerns from the profession of a shortage of RVTs and to give potential RVTs time to become eligible for the state examination and to become registered.

**16. Adopt Section 2036 (c) and (c)(1)**

This proposed regulation defines the administration of controlled substances via injection as restricted to veterinarians or RVTs under direct or indirect supervision. There is no existing law, which defines this restriction.

**17. Amend Section 2036 (c) and renumber to Section 2036 (d)**

Existing regulations already define indirect supervision. This amendment deletes redundant regulatory language. The deleted language is stated in California Code of Regulations Section 2034 (f). It also rennumbers the section from 2036(c) to Section 2036(d)

**18. Amend Section 2036.5 (b)**

Existing regulations already define direct and indirect supervision. This amendment deletes redundant regulatory language. The deleted language is stated in California Code of Regulations Section 2034 (e) and 2034 (f). The language was grammatically modified to make it clearer to understand.

**FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

**Business Impact:**

The Veterinary Medical Board has made an initial determination that the adoption/amendments of this regulation may have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following types of businesses would be affected:

**(A) Veterinary practices**

The Board has determined that designating additional tasks to be restricted to only veterinarians or RVTs may require veterinary facilities to either replace existing lay personnel with certified RVTs or require lay personnel to be trained and certified which may result in additional costs for the premises. The Board believes that the need for the additional requirements to insure consumer and animal safety

outweighs the potential for increased costs. However, for the additional duties relative to anesthesia, the Board inserted a delayed implementation date to allow enough time for lay personnel to be trained and certified.

The following reporting, recordkeeping or other compliance requirements are projected to result from the proposed action: NONE

The Veterinary Medical Board has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit such proposals. Submissions may include the following considerations:

(A) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.

(B) Consolidation or simplification of compliance and reporting requirements for businesses.

(C) The use of performance standards rather than prescriptive standards.

(D) Exemption or partial exemption from the regulatory requirements for businesses.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence which supports this determination.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on the creation of jobs or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board has determined that designating additional tasks to be restricted to only veterinarians or RVTs may require veterinary facilities to either replace existing lay personnel with certified RVTs or require lay personnel to be trained and certified which may result in additional costs for the premises.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would affect small businesses.

The Board believes that the need for the additional requirements to insure consumer and animal safety outweighs the potential for increased costs. However, for the additional duties relative to anesthesia, the Board inserted a delayed implementation date to allow enough time for lay personnel to be trained and certified.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Veterinary Medical Board at 1420 Howe Avenue, Suite 6, Sacramento, CA 95825-3228.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

#### CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Deanne Pearce  
Address: 1420 Howe Avenue, Suite 6  
Sacramento, CA 95825-3228  
Telephone No.: (916) 263-2610.  
Fax No.: (916) 263-2621  
E-Mail Address: [deanne\\_pearce@dca.ca.gov](mailto:deanne_pearce@dca.ca.gov)

The backup contact person is:

Name: Jennifer Thornburg  
Address: 1420 Howe Avenue, Suite 6  
Sacramento, CA 95825-3228  
Telephone No.: (916) 263-2610.  
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E-Mail Address: [jennifer\\_thornburg@dca.ca.gov](mailto:jennifer_thornburg@dca.ca.gov)

Website Access:

Materials regarding this proposal can be found at [www.vmb.ca.gov](http://www.vmb.ca.gov).